Practitioner's Docket No. __

511-019-2

PATENT

Preliminary Classification:

Proposed Class:

Subclass:

NOTE: "All applicants are requested to include a preliminary classification on newly filed patent applications. The preliminary classification, preferably class and subclass designations, should be identified in the upper right-hand corner of the letter of transmittal accompanying the application papers, for example 'Proposed Class 2, subclass 129.' " M.P.E.P. § 601, 7th ed



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Box Patent Application Assistant Commissioner for Patents Washington, D.C. 20231

NEW APPLICATION TRANSMITTAL

Transmitted herewith for filing is the patent application of

Inventor(s): Alexander Robert Powell

WARNING: 37 C.F.R. § 1.41(a)(1) points out:

"(a) A patent is applied for in the name or names of the actual inventor or inventors.

"(1) The inventorship of a nonprovisional application is that inventorship set forth in the oath or declaration as prescribed by § 1.63, except as provided for in § 1.53(d)(4) and § 1.63(d). If an oath or declaration as prescribed by § 1.63 is not filed during the pendency of a nonprovisional application, the inventorship is that inventorship set forth in the application papers filed pursuant to § 1.53(b), unless a petition under this paragraph accompanied by the fee set forth in § 1.17(i)

is filed supplying or changing the name or names of the inventor or inventors."

For (title):

CELL CULTURE APPARATUS

CERTIFICATION UNDER 37 C.F.R. § 1.10*

(Express Mail label number is mandatory.) (Express Mail certification is optional.)

dressed to the Assistant Commissioner for Patents, Washington, D.C. 20231

Judith Schick

(type or print name of person(mailing paper)

Signature of person mailing paper

WARNING: Certificate of mailing (first class) or facsimile transmission procedures of 37 C.F.R. § 1.8 cannot be

used to obtain a date of mailing or transmission for this correspondence.

*WARNING: Each paper or fee filed by "Express Mail" must have the number of the "Express Mail" mailing label placed thereon prior to mailing, 37 C.F.R. § 1.10(b).

> "Since the filing of correspondence under § 1.10 without the Express Mail mailing label thereon is an oversight that can be avoided by the exercise of reasonable care, requests for waiver of this requirement will not be granted on petition." Notice of Oct. 24, 1996, 60 Fed. Reg. 56,439, at 56,442.

> > (New Application Transmittal [4-1]—page 1 of 11)

1. Type of Application

This new application is for a(n)

(check one applicable item below)

	(enter and approach tem zeren)	
[2	Original (nonprovisional)	
	Design	
	☐ Plant	
WARNI	: Do not use this transmittal for a completion in the U.S. of an International Application under U.S.C. § 371(c)(4), unless the International Application is being filed as a divisional, continuation continuation-in-part application	
WARNI	: Do not use this transmittal for the filing of a provisional application	
NOTE	one of the following 3 items apply, then complete and attach ADDED PAGES FOR NEW APPLICATI RANSMITTAL WHERE BENEFIT OF A PRIOR U.S. APPLICATION CLAIMED and a NOTIFICATI PARENT APPLICATION OF THE FILING OF THIS CONTINUATION APPLICATION	
	Divisional.	
	Continuation.	
	Continuation-in-part (C-I-P).	

2. Benefit of Prior U.S. Application(s) (35 U.S.C. §§ 119(e), 120, or 121)

NOTE. A nonprovisional application may claim an invention disclosed in one or more prior filed copending nonprovisional applications or copending international applications designating the United States of America. In order for a nonprovisional application to claim the benefit of a prior filed copending nonprovisional application or copending international application designating the United States of America, each prior application must name as an inventor at least one inventor named in the later filed nonprovisional application and disclose the named inventor's invention claimed in at least one claim of the later filed nonprovisional application in the manner provided by the first paragraph of 35 U.S.C. § 112. Each prior application must also be:

- (i) An international application entitled to a filing date in accordance with PCT Article 11 and designating the United States of America; or
- (ii) Complete as set forth in § 1.51(b); or
- (iii) Entitled to a filing date as set forth in § 1.53(b) or § 1.53(d) and include the basic filing fee set forth in § 1.16; or
- (iv) Entitled to a filing date as set forth in § 1.53(b) and have paid therein the processing and retention fee set forth in § 1.21(f) within the time period set forth in § 1.53(f).

37 C.F.R. § 1.78(a)(1).

NOTE: If the new application being transmitted is a divisional, continuation or a continuation-in-part of a parent case, or where the parent case is an International Application which designated the U.S., or benefit of a prior provisional application is claimed, then check the following item and complete and attach ADDED PAGES FOR NEW APPLICATION TRANSMITTAL WHERE BENEFIT OF PRIOR U.S. APPLICATION(S) CLAIMED.

WARNING: If an application claims the benefit of the filing date of an earlier filed application under 35 U.S.C. §§ 120, 121 or 365(c), the 20-year term of that application will be based upon the filing date of the earliest U.S. application that the application makes reference to under 35 U.S.C. §§ 120, 121 or 365(c). (35 U.S.C. § 154(a)(2) does not take into account, for the determination of the patent term, any application on which priority is claimed under 35 U.S.C. §§ 119, 365(a) or 365(b).) For a c-i-p application, applicant should review whether any claim in the patent that will issue is supported by an earlier application and, if not, the applicant should consider canceling the reference to the earlier filed application. The term of a patent is not based on a claim-by-claim approach. See Notice of April 14, 1995, 60 Fed. Reg. 20,195, at 20,205.

(New Application Transmittal [4-1]—page 2 of 11)

WA	RNING	holida provis	the last day of pendency of a provisional application falls on a Saturday, Sunday, or Federal ay within the District of Columbia, any nonprovisional application claiming benefit of the sional application must be filed prior to the Saturday, Sunday, or Federal holiday within the ct of Columbia See 37 C F.R. § 1.78(a)(3).
		tion(s)	ew application being transmitted claims the benefit of prior U.S. applications. Enclosed are ADDED PAGES FOR NEW APPLICATION TRANSMITTAL BE BENEFIT OF PRIOR U.S. APPLICATION(S) CLAIMED.
3. F	Paper	s Encl	osed
A.			for filing date under 37 C.F.R. § 1.53(b) (Regular) or 37 C.F.R. § 1.153 pplication
	7	Page	es of specification + title page
	2	Page	es of claims
	5	_ Shee	ts of drawing
WA	RNING	filing a smoot drawii the co	OT submit original drawings. A high quality copy of the drawings should be supplied when a patent application. The drawings that are submitted to the Office must be on strong, white, th, and non-shiny paper and meet the standards according to § 1.84. If corrections to the rigis are necessary, they should be made to the original drawing and a high-quality copy of prected original drawing then submitted to the Office. Only one copy is required or desired. In a proposed then-new 37 C.F.R. § 1.84, see Notice of March 9, 1988 (1990 O.G.).
NOT	in) the on	ventor's i e Office is i the bac	indicia, if provided, should include the application number or the title of the invention, name, docket number (if any), and the name and telephone number of a person to call if is unable to match the drawings to the proper application. This information should be placed if it is not of drawing a minimum distance of 1.5 cm. (% inch) down from the top of" 37 C.F.R. § 1.84(c)).
			(complete the following, if applicable)
		a "PET	closed drawing(s) are photograph(s). Three (3) sets of photographs and ITION TO ACCEPT PHOTOGRAPH(S) AS DRAWING(S)" are attached. 37 § 1.84(b).
		"PETIT	closed drawing(s) are in color. Three (3) sets of color drawings and a TON TO ACCEPT COLOR DRAWING(S)" are attached. 37 C.F.R. 4(a)(2) and 1.84(b).
	X	formal	
		informa	al
B.	Othe	er Pape	rs Enclosed
		_Pages	s of declaration and power of attorney
	1	_ Pages	s of abstract
	~	_ Other	•
. А	dditic	onal pa	pers enclosed
		Amend	ment to claims
		ca	ncel in this applications claims before lculating the filing fee. (At least one original independent claim must be ained for filing purposes.)
		be	d the claims shown on the attached amendment. (Claims added have en numbered consecutively following the highest numbered original kims.)
			(New Application Transmittal [4-1]—page 3 of 11)

i	X	Preliminary Amendment
!	X	Information Disclosure Statement (37 C.F.R. § 1.98)
l	X	Form PTO-1449 (PTO/SB/08A and 08B)
[X	Citations
[Declaration of Biological Deposit
(Submission of "Sequence Listing," computer readable copy and/or amendment pertaining thereto for biotechnology invention containing nucleotide and/or amino acid sequence.
[Authorization of Attorney(s) to Accept and Follow Instructions from Representative
[Special Comments
[Other
5. De	cla	ration or oath (including power of attorney)
NOTE	the by ap the by be de pe	newly executed declaration is not required in a continuation or divisional application provided that a prior nonprovisional application contained a declaration as required, the application being filed is all or fewer than all the inventors named in the prior application, there is no new matter in the plication being filed, and a copy of the executed declaration filed in the prior application (showing a signature or an indication thereon that it was signed) is submitted. The copy must be accompanied a statement requesting deletion of the names of person(s) who are not inventors of the application ing filed. If the declaration in the prior application was filed under § 1.47, then a copy of that claration must be filed accompanied by a copy of the decision granting § 1.47 status or, if a nonsigning rson under § 1.47 has subsequently joined in a prior application, then a copy of the subsequently ecuted declaration must be filed. See 37 C.F.R. §§ 1.63(d)(1)–(3).
NOTE:	is o ab co	declaration filed to complete an application must be executed, identify the specification to which it directed, identify each inventor by full name including family name and at least one given name, without breviation together with any other given name or initial, and the residence, post office address and unitry or citizenship of each inventor, and state whether the inventor is a sole or joint inventor. 37 F.R. § 1.63(a)(1)–(4).
NOTE:	as as is t this	ne inventorship of a nonprovisional application is that inventorship set forth in the oath or declaration prescribed by § 1.62, except as provided for in § 1.53(d)(4) and § 1.63(d). If an oath or declaration prescribed by § 1.63 is not filed during the pendency of a nonprovisional application, the inventorship that inventorship set forth in the application papers filed pursuant to § 1.53(b), unless a petition under a paragraph accompanied by the fee set forth in § 1.17(i) is filed supplying or changing the name names of the inventor or inventors." 37 C.F.R. § 1.41(a)(1).
[Enclosed
		Executed by
		(check all applicable boxes)
		☐ inventor(s).
		☐ legal representative of inventor(s). 37 C.F.R. §§ 1.42 or 1.43.
		 joint inventor or person showing a proprietary interest on behalf of inventor who refused to sign or cannot be reached.
		☐ This is the petition required by 37 C.F.R. § 1.47 and the statement required by 37 C.F.R. § 1.47 is also attached. See item 13 below for fee.
	X	Not Enclosed.
NOTE:	the ma	nere the filing is a completion in the U.S. of an International Application or where the completion of the U.S. application contains subject matter in addition to the International Application, the application by be treated as a continuation or continuation-in-part, as the case may be, utilizing ADDED PAGE IR NEW APPLICATION TRANSMITTAL WHERE BENEFIT OF PRIOR U.S. APPLICATION CLAIMED.
		Application is made by a person authorized under 37 C.F.R. § 1.41(c) on behalf of <i>all</i> the above named inventor(s).
		(Alass Application Transmitted Ed. 42, many 4 of 44)

(The declaration or oath, along with the surcharge required by 37 C.F.R. § 1.16(e) can be filed subsequently).
☐ Showing that the filing is authorized. (not required unless called into question. 37 C.F.R. § 1.41(d))
6. Inventorship Statement
WARNING: If the named inventors are each not the inventors of all the claims an explanation, including the ownership of the various claims at the time the last claimed invention was made, should be submitted.
The inventorship for all the claims in this application are:
☑ The same.
or
 Not the same. An explanation, including the ownership of the various claims at the time the last claimed invention was made,
☐ is submitted.
☐ will be submitted.
7. Language
NOTE: An application including a signed oath or declaration may be filed in a language other than English. An English translation of the non-English language application and the processing fee of \$130.00 required by 37 C.F.R. § 1.17(k) is required to be filed with the application, or within such time as may be set by the Office. 37 C.F.R. § 1.52(d).
☐ English
☐ Non-English
☐ The attached translation includes a statement that the translation is accurate. 37 C.F.R. § 1.52(d).
8. Assignment
An assignment of the invention to
is attached. A separate ☐ "COVER SHEET FOR ASSIGNMENT (DOCUMENT) ACCOMPANYING NEW PATENT APPLICATION" or ☐ FORM PTO 1595 is also attached.
☐ will follow.
NOTE: "If an assignment is submitted with a new application, send two separate letters-one for the application and one for the assignment." Notice of May 4, 1990 (1114 O G. 77-78).
WARNING: A newly executed "CERTIFICATE UNDER 37 C.F.R. § 3.73(b)" must be filed when a continuation-in-part application is filed by an assignee. Notice of April 30, 1993, 1150 O.G. 62-64.
☐ This is a ☐ continuation ☐ divisional application and the assignment
document for the parent application 0 / was filed
on
Reel
Frame

(New Application Transmittal [4-1]—page 5 of 11)

 Certified Copy Certified copy(ies) of applie 	nation(s)		
Great Britain	0025957.2	October	24, 2000
Country	Appln. No.		Filed
Great Britain	0026661.9		r 1, 2000
Country	Appln. No.		Filed
Country	Appln. No.		Filed
from which priority is claimed	t		
is (are) attached.			
X will follow.			
NOTE: The foreign application for declaration, 37 C F R § 1	_	m for priority must b	ne referred to in the oath or
U.S application or Interna § 120 is itself entitled to p	tional Application from whic riority from a prior foreign a	h this application cla pplication, then comp	directly relates If any parent irms benefit under 35 U.S.C olete item 18 on the ADDED RIOR U.S. APPLICATION(S)
10. Fee Calculation (37 C.	F.R. § 1.16)		
A. X Regular application	1 '		
	CLAIMS AS FIL	ED	
Number filed	Number Extra	Rate	Basic Fee 37 C.F.R. § 1.16(a) \$710:00- \$740
Total			
Claims (37 C.F.R. § 1.16(c)) 9 -	20 = 0	× \$ 18.00	-0-
Independent		1	
Claims (37 C.F.R.			
§ 1.16(b)) 1 –	3 = 0	× \$ 80.00	-0-
Multiple dependent claim(s), if any (37 C.F.R. § 1.16(d))		+ \$270.00	
	U	1	
	Iling extra claims is e		
	ng multiple-dependent		
	s is not being paid at		
	re not paid on filing they mus ne time period set for respo 7 C.F.R. § 1.16(d).		
	Filing Fee Calculation		\$ 740.00
B. Design application (\$310.00—37 C.F.F.	R. § 1.16(f))		
•	Filing Fee Calculation		\$

(New Application Transmittal [4-1]—page 6 of 11)

C. 🗆	Plant application (\$480.00—37 C.			
		Filing fee calculat	ion	\$
11. Sma	all Entity Stateme	-		
	Statement(s) that is (are) attached		small entity under 37	7 C.F.R. § 1.9 and 1.27
WARNIN	the status is availa affect any other a indirectly dependence fulling of an application. A nongablication or in the reference to the statement in the paymen.	ble and desired Status a oplication or patent, inc. at upon the application or ation under § 1.53 as a c oution application under § in as to continued entitlen provisional application cla oplication, or a reissue a e patent if the nonprovision application or in the prior application or in the prior application appli	s a small entity in one ap- luding applications or pi- patent in which the statu- ontinuation, division, or co 1.53(d)), or the filing of a nent to small entity status iming benefit under 35 L pplication may rely on a onal application or the re- polication or in the patent patent and status as a si costatutory filing fee will be	oplication or patent in which oplication or patent does not atents which are directly or us has been established. The continuation-in-part (including a reissue application requires of for the continuing or reissue J.S.C. § 119(e), 120, 121, or a statement filed in the prioressue application includes a fit or includes a copy of the mall entity is still proper and e treated as such a reference
WARNING	-	make the required self-c	•	ns signing the : statement 509.03, 6th ed , rev. 2, July
	(c	omplete the followin	g, if applicable)	
	Status as a sma	I entity was claimed	I in prior application	ı
		for this application		, from which benefit
		120, 121, 365(c),		
	and which statu	is as a small entity	is still proper and o	lesired.
	☐ A copy of t	he statement in the	prior application is	included.
	Filing Fee Ca	alculation (50% of A	B or C above)	
		\$		
a	re filed within 2 month	e paid will be refunded if s as of the date of timely p 36. 37 C.F.R. § 1.28(a)	mall entitry status is estat payment of a full fee. Th	blished and a refund request ne two-month period is not
2. Req	uest for Internation	onal-Type Search (37 C.F.R. § 1.104(d	0)
		(complete, if ap	oplicable)	
	• •	n international-type s amination on the m	· · · · · · · · · · · · · · · · · · ·	application at the time

13.	Fee	Payr	ment Being Made at This Time	
	X	Not	Enclosed	
		X	No filing fee is to be paid at this time. (This and the surcharge required by 37 C.F.R. subsequently.)	§ 1.16(e) can be paic
		Enc	closed	
			Filing fee	\$
			Recording assignment (\$40.00; 37 C.F.R. § 1.21(h)) (See attached "COVER SHEET FOR ASSIGNMENT ACCOMPANYING NEW APPLICATION".)	\$
			Petition fee for filing by other than all the inventors or person on behalf of the inventor where inventor refused to sign or cannot be reached (\$130.00; 37 C.F.R. §§ 1.47 and 1.17(i))	\$
			For processing an application with a specification in a non-English language (\$130.00; 37 C.F.R. §§ 1.52(d) and 1.17(k))	\$
			Processing and retention fee (\$130.00; 37 C.F.R. §§ 1.53(d) and 1.21(l))	\$
			Fee for international-type search report (\$40.00; 37 C.F.R. § 1.21(e))	\$
NO	fa 3 e	ailing t 7 C.F. ither ti	R. § 1.21(I) establishes a fee for processing and retaining any app to complete the application pursuant to 37 C.F.R. § 1.53(f) and the R. §§ 1.53 and 1.78(a)(1), indicate that in order to obtain the bene- the basic filing fee must be paid, or the processing and retention of If year from notification under § 53(f).	is, as well as the changes to fit of a prior U.S. application, fee of § 1.21(I) must be paid,
			Total fees enclosed	\$
14.	Met	hod (of Payment of Fees	
		Atta	ached is a check money order in the amount o	of \$
	. \square	Aut	horization is hereby made to charge the amount of	\$
			to Deposit Account No.	
			to Credit card as shown on the attached credit card tion form PTO-2038.	d information authoriza-
WA	RNING		edit card information should not be included on this form as it i	
			arge any additional fees required by this paper or on the manner authorized above.	credit any overpaymen
			A duplicate of this paper is attached.	

15. A	uthorization to Charge Additional Fees
WARN	ING: If no fees are to be paid on filing, the following items should not be completed
WARN	ING: Accurately count claims, especially multiple dependent claims, to avoid unexpected high charges, if extra claim charges are authorized.
[The Office is hereby authorized to charge, in the manner shown above, the following additional fees that may be required by this paper and during the entire pendency of this application.
	☐ 37 C.F.R. § 1.16(a), (f) or (g) (filing fees)
	☐ 37 C.F.R. § 1.16(b), (c) and (d) (presentation of extra claims)
NOTE	Because additional fees for excess or multiple dependent claims not paid on filing or on later presentation must only be paid or these claims cancelled by amendment prior to the expiration of the time period set for response by the PTO in any notice of fee deficiency (37 C F R § 1.16(d)), it might be best not to authorize the PTO to charge additional claim fees, except possibly when dealing with amendments after final action.
	37 C.F.R. § 1.16(e) (surcharge for filing the basic filing fee and/or declaration on a date later than the filing date of the application)
	☐ 37 C.F.R. § 1.17(a)(1)–(5) (extension fees pursuant to § 1.136(a)).
	☐ 37 C.F.R. § 1.17 (application processing fees)
NOTE-	" A written request may be submitted in an application that is an authorization to treat any concurrent or future reply, requiring a petition for an extension of time under this paragraph for its timely submission, as incorporating a petition for extension of time for the appropriate length of time. An authorization to charge all required fees, fees under § 1.17, or all required extension of time fees will be treated as a constructive petition for an extension of time in any concurrent or future reply requiring a petition for an extension of time under this paragraph for its timely submission. Submission of time in any concurrent reply requiring a petition for an extension of time under this paragraph for its timely submission." 37 C.F.R. § 1.136(a)(3).
	☐ 37 C.F.R. § 1.18 (issue fee at or before mailing of Notice of Allowance, pursuant to 37 C.F.R. § 1.311(b))
NOTE:	Where an authorization to charge the issue fee to a deposit account has been filed before the mailing of a Notice of Allowance, the issue fee will be automatically charged to the deposit account at the time

NOTE: 37 C.F.R. § 1.28(b) requires "Notification of any change in status resulting in loss of entitlement to small

entity status must be filed in the application . . . prior to paying, or at the time of paying, . . . the issue fee. . . " From the wording of 37 C.F.R. § 1.28(b), (a) notification of change of status must be made even if the fee is paid as "other than a small entity" and (b) no notification is required if the change

of mailing the notice of allowance. 37 C.F.R. § 1.311(b).

is to another small entity.

(New Application Transmittal [4-1]—page 9 of 11)

16. Ir	ıstr	uctions as to Overpayment
NOTE	æ	Amounts of twenty-five dollars or less will not be returned unless specifically requested with reasonable time, nor will the payer be notified of such amounts, amounts over twenty-five dollars made returned by check or, if requested, by credit to a deposit account " 37 C.F.R. § 1.26(a)
ı		Credit Account No
{		Refund

Reg. No. 30,927

Tel. No. (203) 261-1234

Customer No. 04955

SIGNATURE OF PRACTITIONER
K. Bradford Adolphson

Ware, Fressola, Van der Sluys & Adolphson LLP

(type or print name of attorney)

Bradford Green, Building Five, 755 Main Street

PO. Address

P.O. Box 224, Monroe, CT 06468

(New Application Transmittal [4-1]-page 10 of 11)

\Box	Incor	poration by reference of added pages			
	(check the following item if the application in this transmittal claims the benefit of prior U.S. application(s) (including an international application entering the U.S. stage as a continuation, divisional or C-I-P application) and complete and attach the ADDED PAGES FOR NEW APPLICATION TRANSMITTAL WHERE BENEFIT OF PRIOR U.S. APPLICATION(S) CLAIMED)				
		Plus Added Pages for New Application Transmittal Where Benefit of Prior U.S Application(s) Claimed			
		Number of pages added			
		Plus Added Pages for Papers Referred to in Item 4 Above			
		Number of pages added			
		Plus added pages deleting names of inventor(s) named in prior application(s who is/are no longer inventor(s) of the subject matter claimed in this application			
		Number of pages added			
		Plus "Assignment Cover Letter Accompanying New Application"			
		Number of pages added			
X	State	ment Where No Further Pages Added			
		ino further pages form a part of this Transmittal, then end this Transmittal with is page and check the following item)			
	$\overline{\mathbf{X}}$	This transmittal ends with this page.			

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Powell

Application No.: 0

Group No.:

Filed:

herewith

Examiner:

For:

CELL CULTURE APPARATUS

Assistant Commissioner for Patents Washington, D.C. 20231

EXPRESS MAIL CERTIFICATE

"Express Mail" label number _____EL762542460US

Date of Deposit _____October 23 2001

I hereby state that the following attached paper or fee Self-addressed, stamped postcard;

New Application Transmittal with:

Specification - 7 pages + title page;

Claims - 2 pages;

Abstract - 1 page; Drawings - 5 sheets;

Amendment Accompanying New Application w/trans.; and Information Disclosure Statement w/references.

is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. § 1.10, on the date indicated above and is addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231.

Judith Schick

Typed or printed name of person mailing paper or fee

Signature of person mailing paper or fee

NOTE: The label number need not be placed on each page. It should, however, be placed on the first page of each separate document, such as, a new application, amendment, assignment, and transmittal letter for a fee, along with the certificate of mailing by "Express Mail." Although the label number may be on checks, such a practice is not required. In order not to deface formal drawings it is suggested that the label number be placed on the back of each formal drawing or the drawings be accompanied by a set of informal drawings on which the label number is placed.

(Express Mail Certificate [8-3])